

**Notice of Allowability**

Application No.

10/775,471

Examiner

Tuan A. Vu

Applicant(s)

SOBEL, WILLIAM E.

Art Unit

2193

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to submission of 6/13/08 and communication 8/1/08.
2. ☒ The allowed claim(s) is/are 1,3,7-15,17-20,22,26,28 and 33-35(renum 1-21).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20080801.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>8/1/08</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                       |
|  | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

1. This action is responsive to the Applicant's response filed 6/13/08.

As indicated in Applicant's response, claims 1, 3-4, 10, 14, 17, 20, 22-23, 26, 28-29, 32 have been amended, claim 33 added<sup>3</sup>. Claims 1, 3-15, 17-20, 22-26, 28-33 are pending in the office action.

### ***EXAMINER'S AMENDMENT***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Nikhil Iyengar, Reg. # 60910 on 7/30-8/1/08.

The application has been amended as follows.

In the **CLAIMS**:

The claims have been amended according to the herein attached Amendment, namely, "Proposed Claim Amendment for Enabling Examiner's Amendment", provided as file "Proposd\_80108.pdf".

Some typographical errors (claims 7-10) have been corrected by the Examiner within on the above Amendment, and this has been communicated to the representative.

In the **Specifications: ABSTRACT**

Amend the Abstract as follows.

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A rollback manager (101) creates a restore point (105) on a computer (103). The rollback manager (101) stores a reboot indicator (111) in non-reversible storage (107). The rollback manager (101) monitors (201) the reboot indicator (111) to detect (111) an unexpected reboot during deployment of a modification (113). The rollback manager (101) configures the computer (103) responsive to the reboot indicator (111). The rollback manager (101) can roll back (205) the system state, responsive to detecting a failed modification (113) deployment. The rollback manager (101) can deem (311) the computer to be stable, responsive to detecting a successful modification (113) deployment.

***Double Patenting: withdrawn***

4. As per the above Examiner's Amendment, it has been determined that the previous Double Patenting Rejection regarding conflicting subject matter between the instant Application and co-pending Application No. 10,642,355 in view of USPN: 6,205,558 is not longer applicable hence withdrawn.

***EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE***

5. Claims 1, 3, 7-15, 17-20, 22, 26, 28, 33-35 are allowed.

The following is an examiner's statement of reasons for allowance.

The prior art taken separately or jointly does not suggest or teach the following features.

A method or computer product for rolling back a system state after a modification of a computer system, comprising a rollback manager operable for (i) creating a restore point, storing a reboot indicator and an initial audit information in non-reversible storage, the audit information comprising enumeration of items present in the system state before deployment of the modification; (ii) monitoring the reboot indicator and determining based on the indicator whether

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a detected reboot occurred during the deployment of the modification was expected or unexpected; (iii) responsive to determining that no unexpected reboot has occurred, re-auditing the computer by comparing each of the enumerated items in the initial audit information with items present in the system state after said deployed modification; and responsive to not deeming that the computer is in stable state, rolling back the system state according to the restore point.

**Sobel**, USPN: 6, 205,558, discloses modifying a FAT system and leaving it in a unstable state with making a copy thereof with the system in a partially deployed state, then responsive to incurring reboot, using a recovery program operable with said copy to attempt to perform and finalize modification of the FAT system from the last left off point to a deemed stable point via successive forced reboot-triggered recovery action as needed. But Sobel does not disclose all the combined steps of (i) to (iii) in creating a restore point, storing of reboot indicator and initial audit information --including enumerated items of initial system state -- in a non-reversible, then deploying the modification while monitoring the stored indicator for determining on any unexpected reboot, whereby re-auditing by comparing enumerated items respective to undeployed state the system with those of the system post-deployed state; then deeming that the system is not stable based on some missed item, and performing a rollback according to the created initial restore point.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Drawings: informal copy***

6. It is highly urged that before submitting the Issuance Fees for the above Notice of Allowance the Applicant provide a official copy of the current set of Drawings, the official copy including more formal version of the Drawings as opposed to hand-drawn or informal sketching of record, with Figure 2 and 3 thereof being cited for publication as per this Office Action.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 ( for non-official correspondence - please consult Examiner before using) or 571-273-8300 ( for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Tuan A Vu/

Primary Examiner, Art Unit 2193

August 01, 2008